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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/825,987 | 04/16/2004 | Najib Khan Surattee | 2000 P 20688 US | 8727 |

48154 7590 04/10/2007
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| EXAMINER |
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GEHMAN, BRYON P

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| ART UNIT | PAPER NUMBER |
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3728

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS | 04/10/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/825,987 | Applicant(s) SURATTEE ET AL. | |
| | Examiner Bryon P. Gehman | Art Unit 3728 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-8,15,16 and 21-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-8,15,16 and 21-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>3/9/07</u> . | 6) <input type="checkbox"/> Other: _____ |

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1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submissions filed on February 7, March 5, and March 9, 2007 have been entered.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1, 3-8, 15-16 and 21-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, line 5, "the side wall" lacks basis for one and should be --the one side wall--.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3-8 and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitamura et al. (4,971,196) in view of Neteler (6,531,197). Kitamura

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et al. disclose a bag (11) comprising side walls of transparent material substantially impervious to moisture and having an opening (closed by 11A or 11B) at one end, and a first moisture indicating material (15) directly mounted to one side wall within the bag adjacent to the transparent material to enable the first moisture indicating material to be viewed through the transparent material, and at least a portion of the first moisture indicating material within the interior of the bag, the bag including a desiccant therein (see column 12, lines 3-11). Neteler discloses a similar bag wherein the side walls of the bag comprise a desiccant material (see column 3, lines 28-57), which defines at least a portion of the inner surface of each side wall. To modify the bag of Kitamura et al. employing the desiccant located on the side wall structure as disclosed by Neteler would have been obvious in order to provide a fixed position and control over the action of the desiccant relating to its position.

As to claim 3, Neteler discloses silica as the desiccant material, and official notice is taken that silica gel has long been recognized as a desiccating material used in packaging.

As to claims 4 and 5, see column 2, lines 49-62 of Neteler.

As to claim 6, Kitamura et al. disclose the transparent material as a moisture barrier film.

As to claims 7 and 8, each discloses the bag being for an electronic device.

As to claim 8, Kitamura et al. disclose a semiconductor device.

As to claims 21-23, the inner porous layer of Neteler impregnated with desiccant comprises a desiccant layer, the inner layer, by applicant's definition of an inner laminate layer comprising a bag in and of itself.

6. Claims 1, 3-8 and 21-23 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Neteler (6,531,197) in view of Duncan. Claims 1, 3-7, 15 and 21-23 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Neteler (6,531,197) in view of Williams et al.. Neteler discloses a bag (10) comprising side walls substantially impervious to moisture and having an opening (14) at one end, wherein the side walls of the bag comprise a desiccant material (see column 3, lines 28-57). which defines at least a portion of the inner surface of each side wall. Kitamura et al. disclose a moisture impervious bag (11) including a substantially transparent material substantially impervious to moisture and a moisture indicating material (15) mounted directly to one side wall within the bag adjacent to the transparent material. To modify the bag of Neteler employing the moisture indicator structure of Kitamura et al. would have been obvious in order to provide an observer with visual indication of the moisture condition of the interior of the bag.

As to claim 3, Neteler discloses silica as the desiccant material, and official notice is taken that silica gel has long been recognized as a desiccating material used in packaging.

As to claims 4 and 5, see column 2, lines 49-62 of Neteler.

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As to claim 6, Kitamura et al. disclose the transparent material as a moisture barrier film.

As to claims 7 and 8, each discloses the bag being for an electronic device.

As to claim 8, Kitamura et al. discloses a semiconductor device.

As to claims 21-23, the inner porous layer of Neteler impregnated with desiccant comprises a desiccant layer, the inner layer, by applicant's definition of an inner laminate layer comprising a bag in and of itself.

7. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 1 above, and further in view of Williams et al. (5,224,373). Williams et al. disclose three individual moisture level indicators. To modify the single indicating material of the original combination to comprise three separate moisture level indicators would have been obvious in view of Williams et al. in order to indicate a graduated level of moisture content, as suggested by Williams et al..

8. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art applied against claim 15 above and further in view of Hu et al. (3,768,976). Hu et al. discloses an indicator including word directions to instruct a user what to do by the indication. To modify the numerical indication of Williams et al. employing word direction as taught by Hu et al. would have been obvious in order to instruct a user what to do. Where the only difference between a prior art product and a claimed product is printed matter that is not functionally related to the product, the content of the printed matter will

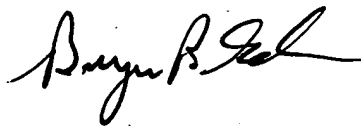
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not distinguish the claimed product from the prior art. *In re Ngai*, 367 F.3d 1336, 1339, 70 USPQ2d 1862, 1864 (Fed. Cir. 2004).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryon P. Gehman whose telephone number is (571) 272-4555. The examiner can normally be reached on Tuesday through Friday from 7:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu, can be reached on (571) 272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Bryon P. Gehman
Primary Examiner
Art Unit 3728

BPG